

REPUBLIC OF LITHUANIA

**LAW ON THE AMENDMENT OF THE LAW
ON LAND REFORM**

Article 1. The New Edition of the Republic of Lithuania Law on Land Reform

The Republic of Lithuania Law On Land reform shall be amended as follows:

“REPUBLIC OF LITHUANIA LAW ON LAND REFORM

Chapter I
GENERAL PROVISIONS

Article 1. Objective of the Law

This Law shall regulate the procedure of land reform and land privatisation.

Article 2. Purpose of Land Reform

The purpose of land reform: in ensuring the protection of natural resources, to implement the right of Lithuanian citizens to land-ownership and use according to the procedure established by laws and conditions in returning unlawfully taken land, transferring or granting thereof as property without payment and selling to those wishing to purchase it, leasing or allowing the use of state land; to create legal and economic pre-conditions for the development of a land market, and implement social justice in privatisation of state land.

Article 3. Object of Land Reform

The object of land reform shall be the Stock of Land of the Republic of Lithuania.

Article 4. Conditions of Implementing Land Reform

1. Land reform shall be implemented according to the land survey plans, other territorial planning documents, based on this and other laws regulating land relations and taking into account formed private and state land-tenures.
2. The process of land reform shall encompass an analysis of the current situation of land use, and preliminary preparation of land survey plans, land reform land survey plan preparation, their co-ordination, legal, economic and ecological foundation and confirmation of purpose-designation of land use, special conditions for use of forest and water bodies and establishment of limitations of land easement and of other economic activity stipulated by laws.

Article 5. Forms of Land Ownership and Means of Land Acquisition

1. The forms of land ownership shall comprise private and state property.
2. The right to ownership of private land property shall be held by:

- 1) citizens of the Republic of Lithuania;
- 2) national entities (legal persons) and foreign entities, who may acquire land in accordance with the conditions and procedure of Constitutional Law, stipulated in part two, Article 47 of the Constitution of the Republic of Lithuania, regarding the procedure, conditions and limitations of acquisition of land plots by entities.
3. Foreign countries shall have the right to acquire land ownership right according to the procedure established by the Law on the Acquisition and Lease of Land Plots to Diplomatic Representations and Consular Institutions of foreign countries.
4. In implementing land reform, the forms of land acquisition as property shall be as follows:
 - 1) restoration of the rights of land ownership by returning it in kind or transferring it by allotment of a plot of land without payment to property in accordance with the Republic of Lithuania Law on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property;
 - 2) allotment of state land to property; without payment;
 - 3) the sale of state land;
 - 4) civil land transactions by citizens.

Chapter II THE ACQUISITION OF LAND AS PRIVATE PROPERTY

Article 6. Restoration of Land-ownership Rights

The Law on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property shall establish the procedure and conditions of the restoration of land-ownership rights in the return, sale, transfer or allotment without payment and buying out thereof in rural areas and cities, for ownership.

Article 7. Allotment of State Property to Ownership without Payment

According to the procedure established by the Government allotment to property without payment shall be granted to citizens of the Republic of Lithuania:

- 1) recipients of the Order of Cross of Vytis or the Cross of Vytis, if they have been killed (are dead) spouses of such persons, or in the absence of a spouse, the parents or children, namely, upon their request, a plot of land of Government-designated size for construction of individual dwellings;
- 2) for those moving out from houses being returned to owners, plots of land for individual dwelling construction;
- 3) those whose families had been moved into the Republic of Lithuania territory after 1939, from farms owned by the right of ownership in the territories of Poland and Germany, namely, the plots of land acquired in accordance with the order established in Article 10 of this Law for land acquisition, but not larger, than the one these persons possessed by the right of ownership or were allowed to use, at the time of their relocation to the territory of the Republic of Lithuania, and not in excess of an area of 150 hectares.

Article 8. The Sale of State Land

1. Land designated for farming, forest and water bodies in a rural area shall be sold in accordance with the order stipulated in Article 10 of this Law and according to the land survey plans of land reform. Citizens, while buying land from the State, may acquire it in a lump sum or on an instalment basis, but not for more than a ten-year period, in accordance with the procedure established by the Government.
2. Land for other than farming purposes shall be sold in cities and rural areas according to the procedure established by the Government.
3. The Government shall establish the procedure of evaluation and payment for the state land being sold.
4. Land shall be sold to national entities (legal persons) and foreign entities in accordance with part two of Article 47 of the Constitution of the Republic of Lithuania regarding the acquisition of plots of land by entities, procedure, conditions and limitations, according to the procedure and conditions established by Constitutional Law.
5. Land shall be sold to the diplomatic and consular institutions of foreign countries in accordance with the procedure and conditions established by law, of land plot acquisition and leasing to diplomatic and consular institutions of foreign countries.

Article 9. The Sizes of Land Plots Being Sold

1. Citizens who are acquiring land (including forests and water bodies), for agricultural activity, may be sold only so much state-owned land during the land reform period, as would not comprise more than 150 hectares to total the plot of land allotted in kind, transferred, granted to ownership without payment to one family, and bought from the State.
2. Citizens shall be sold land plots adjacent to buildings and structures held by the right of ownership, established by area and boundaries in territorial planning, documents. In the rural area and in the territory allotted to towns, land plots not to exceed 2 hectares farm (housing estate) plots of land shall be sold after June 1, 1995.

When, according to laws, the area and boundaries of a plot of land used by an individual farmstead (housing estate) have not been established and no technical accounting records have been prepared, the land of individual farmsteads (housing estate) which is occupied by farmstead structures, garden, other farmstead trees and shrubs, yard and the constantly used farmstead garden plot, shall be sold. Customarily, the plot of land which is being sold, must be located within the farmstead territory, meet the requirements of the homestead's (housing estate's) exploitation and must be defined in the territory planning documents.

3. Citizens having the right of ownership to residential houses in towns (the territory allotted to cities up to June 1, 1995), shall be sold the plots of land used by their housing estate, recorded in the technical accounting records of housing estate, having territory boundaries defined in territorial planning documents, with the exception of those located within the city of Neringa, but no larger than 0.2 hectares in Vilnius, Kaunas, Klaipėda, Īiauliai, Panevėpys, Alytus, Marijampolė, Druskininkai, Palanga, Birėtonas, and no larger than 0.3 hectares in other cities. The size of the plot of land being sold may be expanded per decision of the county governor, but no more than correspondingly, up to 0.3 hectares or 0.4 hectares and the entire housing estate plot in use and being sold, if according to the territorial planning documents no plans exist for the use of this plot of land or a part thereof, for the needs of municipal economy and community needs or for individual housing construction, upon forming a separate, divisible plot of land.

4. If a residential house belongs to several homeowners, citizens shall be sold the common plot of land of the housing estate, marked in the technical accounting record of the housing estate and of the boundaries established in the territorial planning documents, but no larger than 0.2 hectares in Vilnius, Kaunas, Klaipėda, Īiauliai, Panevėþys, Alytus, Marijampolė, Druskininkai, Palanga, Birėtonas and no larger than 0.3 hectares in other cities. The area of the plot of land being sold may be expanded by the county governor's decision, to include the entire area of the home property plot, but may not be larger than correspondingly 0.2 or 0.3 hectares for each owner of a part of the residential house, if according to the territorial planning documents it is not planned to use this plot of land or a part thereof, for the needs of municipal economy, community needs use or individual construction, having formed a separate, divisible land plot.

5. For members of gardeners' associations and other persons, using the garden plots of land within gardener association areas, the plot of land being sold shall be established according to the detailed plan of the gardener association's garden and must not exceed 0.12 hectares in size.

6. The plots of land adjoining multi-dwelling housing shall be sold according to the size and boundaries stipulated in the territorial planning documents.

7. New plots of land for construction of single and multi-dwelling residential houses shall be sold in accordance with the procedure established by the Government and the size stipulated by the Government according to the territorial planning documents.

Article 10. The Order of Citizens Acquiring Land, Forest and Water Bodies

1. In implementing land reform, the land, forest and water bodies, located in a rural area shall be returned as is, or transferred or allotted without payment to property in accordance with the Law on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property and also this Law, as well as by selling in accordance with this Law, to citizens the boundaries established in the survey plans of land reform, in the following order:

1) returning to owners in kind;

2) allotted without payment to property of citizens, whose families were moved into the territory of the Republic of Lithuania after 1939, from farms possessed through the right of ownership in the then territories of Poland and Germany, namely, those plots of land, onto which these families were moved in the course of being transferred into the Republic of Lithuania;

3) land plots are allotted without payment on an equivalent basis to those held previously (to be increased for up to 100 per cent) land plots for citizens, who are the volunteer fighters of the struggles for independence of 1918-1920, participants in the resistance, political prisoners, deportees, persons who have received the Order of the Vytis Cross, and also their spouses, parents (adoptive parents), children (adopted children), if the land they wish to recover, falls within the territory designated for an individual farm or a peasant farm;

4) land plots are allotted without payment on an equivalent basis to those previously held (increased up to 30 per cent) land plots for citizens, when the land they desire to recover falls within the territory designated for an individual farm or a peasant farm;

5) land plots are allotted without payment on an equivalent basis to ownership by citizens now using the land (increased up to 30 per cent), who shall agree to vacate the land used for an individual farm, the recovery in kind whereof, is desired by its owners;

6) land plots transferred to ownership without payment or sold according to the procedure established by laws, attached to the land being bought out by the State in accordance with Article 12 of the Law

on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property, for citizens using these land plots;

7) land plots allotted for individual farming shall be transferred into ownership without payment or sold in accordance with the procedure established by laws, to the citizens using that land;

8) land plots, forest and water bodies, shall be allotted without payment on an equivalency basis to those held previously, to the citizens, who live within the territory of the district municipality neighbourhood, in which the land plot is being transferred, if the land, forest and water bodies formerly owned by them, have been designated as part of those being bought out by the State in accordance with the Law on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property, or if the forest or water bodies owned by them are no longer in existence;

9) land plots, forest and water bodies shall be allotted without payment on an equivalency basis to those previously owned by them, to other persons not indicated in item 8, part one of this Article, whose previously-owned land, forest and water bodies have been, according to the Law on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property, designated as part of those to be bought out by the State or whose previously-owned land, forest and water bodies are no longer in existence; land plots shall be allotted without payment as property to citizens whose families were moved after 1939, to the territory of the Republic of Lithuania from farms held in the right of ownership in the erstwhile territories of Poland and Germany namely, encompassing the same area as, according to the right of ownership, they had held in the territories of Poland and Germany, excluding that plot of land, which they obtained in accordance with item 2 of part 1 of this Article;

10) land plots, forest and water bodies shall be allotted without payment on an equivalency basis to the previously-owned land plots to citizens not indicated in items 8 and 9 of part 1 of this Article;

11) land shall be sold for farming to the citizens who have acquired into ownership production buildings from the former agricultural enterprises;

12) land shall be sold to other citizens.

2. The land allotted in accordance with the Law on the Peasant's Farm, shall not be sold to citizens or members of their family, who have the right of ownership to returnable land and forest, or have turned them over to other persons, when the returnable property amounted to an equal area or more of land than that allotted to it according to the Law on the Peasant's Farm.

3. If in restoring the right of ownership of land which has been designated for agriculture in accordance with the land survey plan of land reform, the plot of land formed for land-tenure is larger than the one previously held by the right of ownership, a part of the formed land plot, surpassing the previously held plot by no more than 10 percent, shall be sold to the citizen, whose rights to land ownership are being restored, without observing the sequence established in part 1 of this Article.

4. When several citizens having the same priority right wish to obtain for ownership that same plot of land without payment or to purchase it, the plot of land shall be allotted or given for ownership without payment or sold to the citizen leasing it, to whom this plot had been leased up to the day of the coming into effect of this Law, if there is some land available in the neighbourhood, in the territory whereof the plot of land is being leased. If the land, the ownership whereof is desired by several citizens having an equal priority right, had not been leased up to the day of the coming into effect of this Law, or if several citizens having an equal priority right wish to acquire that same plot of forest land, the land or forest plot shall be allocated or given to ownership without payment or sold to these citizens by means of an auction. The Government shall establish the procedure of organising an auction.

5. Eligible for privatisation forests and water bodies, located on state land, which are inside the land-tenures designated for agricultural use, may be sold to owners of these land-tenures, whereas the forest and water bodies bordering on land-tenures of agricultural designation on state land, may be sold to the owners of such land-tenures, if the forests comprise separate, no larger than 10 hectares large forests, while the water bodies are up to 3 hectares size. In these instances the forests and water bodies shall be sold to owners of land-tenures without adhering to the sequence established in this Article.

Article 11. Privatisation of Land for Limited Economic Use

1. Land in protected areas, wherein economic activity is limited according to the territorial planning documents, shall be privatised for limited economic use.

2. The decisions to return land, to allot an equivalent land lot to property without payment on an equivalent basis to the previously-held one, to allot a land plot without payment, shall be adopted and agreements on the purchase - sale of state land shall be drawn up, if the citizen agrees to the special conditions of use, land easement and economic activity limitations established in land reform land survey plans of the land lot being acquired and other documents of territorial planning special land, forest and water bodies special use conditions.

3. Liability established by laws shall be applied to owners who do not observe the conditions for the special use of land, forest and water bodies, the limitations of land easement and economic activity.

Article 12. Disposal of the Land and Restriction of Use

1. The Law on Land, Forest Law and Law on Protected Territories and other laws, shall establish the procedure for disposal of land and the limitations of the use thereof.

2. If the citizens who have acquired some land according to the Law on Peasant's Farm, or for individual farming for state one-time payments, sell it, the State shall have the priority right of buying it out according to the procedure established by the Government.

Chapter III STATE LAND

Article 13. Land not Subject to Privatisation

Not liable to be sold to citizens for private ownership shall be:

1) land under state and municipal roads, airports; used by military units and assigned to protection of the state border; contains useful mineral resources within the territory of land reserves being used. Land located within explored useful mineral resource reserve territory not in use (except land restitution in kind), shall be located in accordance with individual Government decrees;

2) land within the areas used for the common needs of the residents or other public needs (streets, squares, cemeteries, watering places etc.). The areas of these plots of land (territories) and boundaries thereof shall be established in the territorial planning documents;

3) land which has been allotted to institutions of science and learning, state social care and custody and state institutions and organisations; transferred to special purpose seed-growing and stock-breeding state farms;

4) land which is located within territorial parts of towns, that are included within the Register of Cultural Immovable Property of the Republic of Lithuania (list of areas of cultural significance), also including the farms of former estates situated on historical and cultural monument territories, except the land plots found within these territories that are adjacent to private dwelling houses and other housing estate structures;

5) land which is located in state reserves, national and regional park reserves, and the territory of the Curonian Spit National Park;

6) land which is located on a territory containing cultural objects of historical, archaeological and cultural significance with the exception of land plots situated within this territory that adjoin private dwelling houses and other household estate structures;

7) land attributed to the coastal strip of the Republic of Lithuania;

8) allotted for office entitlement parcels;

9) land formerly held by the right of ownership of churches (religious confessions and their institutions).

Article 14. Forests and Water Bodies not Subject to Privatisation

Forests and water bodies shall not be subject to privatisation, if they are attributed to:

- 1) forests of state significance, and internal waters of state significance;
- 2) state reserves, state park reserves and reserve plots, and the Curonian Spit National Park ;
- 3) primary sanitary protective zone in towns;
- 4) town forests and forest parks;
- 5) forest gene pool reserves, forest seedlings and seed-plant plantations;
- 6) forest scientific research and instruction as well as selective seed growing objects.

Article 15. Individual Farm Land

1. Land which has been allotted in accordance with the laws and is used by citizens for individual farming, up to the day of the coming into effect of this Law, shall be considered individual farm land of citizens.

2. The boundaries of individual farm land plots shall be formed in the new land survey plans of land reform according to the requirements of land-tenure planning and discussed at meetings of individual farm land users and other interested citizens.

3. Individual farm plots of land are normally planned within the previous land-ownership of citizens provided this is located in the area designated for individual farming.

4. The landplot designated according to procedure for a citizen's individual farm shall be included in the land being restituted, with the exception of those instances, when the land subject to restitution is situated within that location of the cadastre (stipulated according to procedure established by the Government), where individual farm land and an individual housing estate land plot are being used (on a lease basis), while for the citizens who are starting out on restituted land, individual farm land shall be leased for five years. For the citizens whose land has been restituted or those who have a right to be restituted a larger than 3 hectare land plot of farm resources within that spot on the cadastre, the individual farm land plot in use may be reduced until it becomes uniform in size for all of these persons and shall be included within the plot of land being restituted.

5. In preparing the land survey plan of land reform, the locations and boundaries may be changed according to the Law on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property, and wishing to establish rational land-tenure in the territory, which is included in the local (cadastre locality) land survey plan of land reform. The location and boundaries of the individual farm land plot of land of the individual farm land plots of the population, which were in constant use up to December 31, 1993, may be changed in preparing the land survey plan of land reform in this territory of constantly used plots of land, if no other agreement is reached. When the land used lies in common farm land plots, these plots of land are planned from the unused land stock found at the cadastre location, and if this unused stock of land at this cadastre location proves to be insufficient, these lots shall be planned within the territory used for individual farms.

6. If the resident has died, the members of his family shall acquire the right to receive the individual farm land used by him without payment, to purchase it from the State or lease it.

7. Residents who do not hold the right to restitution in accordance with the Law on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property or those who have the right to restitution of the right of ownership to a smaller land plot than the one they are using for the individual farm, shall be sold land plots used for individual farms according to the procedure established by the Government.

Residents who, according to the Law on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property, have the right to restoration of the rights of ownership to no less than the land plot provided for the individual farm, and wish, however, to obtain other compensation or shall transfer their right to restitution of their land, to other persons, or shall relinquish this right for the benefit of other citizens, the individual farm land shall not be sold, while the land plots shall be leased from the unused land stock.

8. The land of individual farms shall not be sold and also, other land plots within the territory designated for individual farms shall not be allotted for use by citizens, who had been allotted individual farm land in violation of laws, and also for citizens who themselves are not using the land allotted to them for individual farming purposes according to the procedure established by the Government.

9. The land allotted for individual farming shall be acquired as property in the name of one of the family members.

Chapter IV THE IMPLEMENTATION OF LAND REFORM

Article 16. Land Reform Implementers, Their Rights and Obligations

1. The county governors shall implement land reform and adopt decisions to restore, transfer, allot land to ownership without payment, or sell it

2. The Ministry of Agriculture and Forestry shall systematically direct and control the preparation of land survey plans and land privatisation work in rural localities and towns. The Ministry of Agriculture and Forestry shall also organise the preparation of technical instructions, normatives and standards of land survey plans of land reform, the supplying of the plan authors with cartographic and geodesic research materials of land surveying, arable land and others, and also the accumulation of information regarding land reform.

3. Natural and legal persons, who have won legal tenders and have been given licenses according to the procedure established by the Government, to engage in land survey planning, shall prepare land survey plans of land reform. The county governors shall place orders for preparation of these plans.

Article 17. The Procedure of Request for Land Acquisition Submission and Examination

1. Natural and legal persons who desire to acquire some land into private ownership, shall submit requests in accordance with the procedure established by the Government, to the institution authorised by it. The requests of residents and legal persons, submitted prior to February 1, 1997, shall be valid.

2. The country governors shall examine the requests of citizens to restore property, transfer or allot land to ownership without payment, sell or lease land, forest land and bodies of water, and shall adopt decisions.

Article 18. The Procedure of Filing Complaints Regarding the Decisions of the Reform Executors and Examination thereof

1. Citizens may file a complaint in court regarding decisions on land acquisition.

2. The complaints regarding the suitability of the land-tenures formed during land reform and the appropriateness of documents prepared for privatisation and lease of land to the requirements of laws and other legal acts, shall be examined by county governors and the Ministry of Agriculture and Forestry. The Ministry of Agriculture and Forestry shall not examine the citizens' requests and complaints, which have not been deliberated by the county governor.

3. If the institutions which implement control of the land reform, shall establish that the decisions adopted with regard to restoration of the rights of ownership to land or acquisition of land, are in violation of the procedure established by laws, the institutions which had adopted the decision or are in charge of control of land reform, must initiate the cancellation of the adopted decision, by court procedure.

Chapter V LAND SURVEY WORK

Article 19. The Formation of Land Survey Plans of the Land Reform and the Determination of Land Easement

1. The land survey plans necessary for land reform shall be drawn up and approved in accordance with the procedure established by the Government and the methods approved by the Ministry of Agriculture and Forestry.

2. The land survey plans of the land reform shall be drawn up and the land survey work performed in connection with such, shall be done at State expense.

3. The division plans of the plots of land, acquired according to the right of joint ownership, shall be prepared at the expense of the owners of this land, in accordance with the procedure established by the Ministry of Agriculture and Forestry.

4. The county governors shall approve the territorial boundaries selected for the preparation of land survey plans for the land reform and the time limits for the preparation thereof.

5. The land survey plans of land reform shall contain the planned plots of land, which have been restored, transferred or allotted to ownership without payment, allowed to be purchased and leased from the state, their boundaries are established, a network of common use roads is planned, and the principal special purpose designation, land easement and conditions of land use are established.

6. The plots of land designated in the land survey plans of the land reform, for restoration or allotment to ownership without payment, sale or other acquisition for use, must have reasonable boundaries, which are co-ordinated with the contours of the locality situation and must create favourable conditions for use of the land plot according to its designation.

7. The Law on Land shall regulate establishment of the land easement.

8. Town (district) mayors shall submit proposals concerning land easement establishment within town territories and the conditions for the use thereof according to the territorial planning documents, to the county governor.

9. The county governor, in approving a decision concerning the restoration, transfer or allotment without payment, sale and lease of land, shall indicate therein land easements and conditions of the use thereof.

Article 20. The Procedure of Land Survey Plan of Land Reform Deliberation, Co-ordination and Approval

The land survey plans of land reform shall be deliberated and co-ordinated in accordance with the Law on Territorial Planning and the procedure established in accordance with the methods of preparing land survey plans of land reform. The county governor shall approve the co-ordinated land survey plans of land reform.

Article 21. The Marking of Land Plots and Issuance of Legal Documents on Land Ownership and the Right to Land Use

1. The land plots planned in land survey plans of land reform and other territorial planning documents, designated for acquisition of the right of ownership to or the use thereof, shall be marked at the locality, measured and their areas calculated according to the methods approved by the Ministry of Agriculture and Forestry.

2. The boundaries of the private land plots marked at the locality, shall not be changed later in the course of geodesic measurements, while the State or the landowner shall not be compensated for the difference established in the area of the landplot, which does not exceed the permissible accuracy of measurement, indicated in the methods denoted in part 1 of this Article.

3. Documents attesting to land ownership and the right to land use shall be issued to land owners and land users. These documents shall be prepared and issued in accordance with the procedure established by the Government.

Article 22. Special Provisions

The municipal governments of towns (districts) shall prepare, prior to January 1, 1999, territorial planning documents (detailed plans) of town locations, where it is planned to allot land plots for individual construction or another designation formerly-held land by the right of ownership, and shall set up these territories according to the procedure established by the Government.”

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

Algirdas Brazauskas
President of the Republic

2 July 1997
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